

FINAL BILL REPORT

SHB 1287

PARTIAL VETO

C 409 L 07

Synopsis as Enacted

Brief Description: Modifying foster children placement provisions.

Sponsors: By House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney; by request of Department of Social and Health Services).

House Committee on Early Learning & Children's Services

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

Background:

Shelter Care Hearings.

When children are taken into the custody of the Department of Social and Health Services (DSHS) as a result of allegations of abuse or neglect, a shelter care hearing must be held within 72 hours. If the child is not returned home at the shelter care hearing, the DSHS makes continuing arrangement for the child's care. This includes providing for the child's care, and health and educational needs. If the court later finds that the abuse or neglect of the child supports a finding of a dependency, a series of review hearings are held which require the court to make certain determinations related to the status of the case, including a determination of whether the child has been placed in the least restrictive setting and whether placement with a relative has been given consideration and preference. State law grants foster parents, pre-adoptive parents, and relative care givers a right to an opportunity to be heard in these dependency review hearings. Foster parents, pre-adoptive parents, and relative care givers also are entitled to notice of these review hearings.

Educational and Medical Records of Children in Out-of-Home Care.

When a child enters foster care, the DSHS is required to provide care givers with the child's health and education records to the extent they are available. The availability of the child's records depends in part on where the records are maintained. Whether or not the entity maintaining the records has a clear understanding of the laws governing access to and sharing of health and education records also can impact the time it takes for the DSHS to access the child's records. As part of the work completed by the DSHS Education Oversight Committee, a standard order for use at shelter care hearings was developed to expedite the DSHS's access to the child's health and education records.

The Safe and Timely Interstate Placement of Foster Children Act of 2006.

In July 2006, the Safe and Timely Interstate Placement of Foster Children Act of 2006 (Act) became federal law. The Act requires state courts to ensure that foster parents, pre-adoptive parents, and other care givers have the right to be heard in all proceedings regarding children in their care.

Summary:

When a child is placed in out-of-home care as a result of suffering abuse or neglect, the court is required to enter an order: (1) authorizing the DSHS to obtain the child's most recent medical health, mental health, and educational records; and (2) authorizing foster parents and other care givers to manage enrollment and other school-related processes and services on behalf of the child. Notice of these orders being entered must be included in the standard notice regarding the shelter care hearing sent to the child's parents. Foster parents and other out-of-home care providers must sign a statement agreeing to keep information about the child or child's family confidential and to not disclose the information except where authorized by law.

Foster parents, pre-adoptive parents, and other care givers of children in the custody of the DSHS must be notified prior to each proceeding of their right to be heard in all dependency proceedings relating to children in their care. The dependency review hearings for children in DSHS custody must establish in writing whether both in-state and out-of-state placement options have been considered for the child.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 2007

Partial Veto Summary: Section 3 requiring the court to establish in writing at dependency review hearings whether both in-state and out-of-state placements for the child have been considered, and section 4, directing the court to establish the same information in the permanency plan for a dependent child, were vetoed. These provisions are incorporated into law by HB 1624, C 413 L 2007, sections 8 and 9 respectively.